

Message Text

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53

ACTION EUR-25

INFO OCT-01 ISO-00 PM-07 L-03 CIAE-00 INR-10 NSAE-00

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R 151151Z MAY 74

FM AMEMBASSY ANKARA

TO SECSTATE WASHDC 4113

INFO AMCONSUL ISTANBUL

NAVY JAG WASHDC

LIMITED OFFICIAL USE ANKARA 3734

EO 11652 N/A

TAGS: MOPS, TU

SUBJECT: USS INDEPENDENCE CABLE DAMAGE - AUGUST 6, 1973

REF: A. ANKARA 3417; B. STATE 091326

1. MINISTRY OF FOREIGN AFFAIRS REPLIED MAY 13, BY AIDE-MEMOIRE, TO EMBASSY AIDE-MEMOIRE TRANSMITTING SUBSTANCE REFTEL B. OPERATIVE PORTION OF TEXT FOLLOWS: BEGIN QUOTE
PARA ACCORDING TO ARTICLES 368 AND 374 OF THE TURKISH CODE OF CIVIL PROCEEDINGS, IT IS REQUIRED TO CIRCUMSTANTIATE EVIDENCE WITH REGARD TO ANY CLAIM REGARDLESS OF WHETHER THE SETTLEMENT IS TO BE MADE BY MUTUAL CONSENT OR THROUGH COURT DECISION, AND THIS HAS TO BE CARRIED OUT BY A TEAM OF EXPERT WITNESSES OFFICIALLY APPOINTED BY THE COURT. PARA. THE MINISTRY BELIEVES THAT THE ABOVE REFERRED TURKISH LEGISLATION WOULD BE HELPFUL TO THE COMPETENT U.S. AUTHORITIES IN THEIR CONSIDERATION TO FAVOR THE CLAIM OF PTT FOR 63.234,65 TL. PARA. THE MINISTRY WOULD ALSO LIKE TO INFORM THE EMBASSY THAT THE PTT IS PREPARED TO SIGN THE RELEASE ON THE AMOUNT OF 7.918.303,80 TL INCLUDING A CLAUSE TO THE SAME EFFECT AS MENTIONED IN THE LAST PARAGRAPH OF THE EMBASSY'S AIDE-MEMOIRE OF APRIL 25, 1974. PARA. THE MINISTRY ALSO APPRECIATES PAYMENT OF THE SUM-CERTAIN TO BE MADE IN U.S. DOLLARS. END QUOTE

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2. WE REQUESTED COPIES OF ARTICLES OF TURKISH CIVIL CODE QUOTED ABOVE FROM MFA AND WILL POUCH THEM WITH COPY AIDE-MEMOIRE WHEN RECEIVED.

3. WE DISCUSSED AIDE-MEMOIRE WITH MFA ACTION OFFICER WHO INFORMED US THAT HE HAD JUST LEARNED THAT PTT HAD IN FACT ALREADY REPAIRED CABLE DAMAGE, THUS STOPPING LOSS OF INCOME FROM INTERRUPTION. PTT CLAIMED THAT THE SURVEY WAS REQUIRED BEFORE REPAIRS COULD BE MADE. PTT LEGAL EXPERTS ALSO POINTED OUT TO MFA THAT IN NEARLY ALL ACCIDENT CLAIMS CASES IN TURKEY, INCLUDING AUTO ACCIDENTS, THE COURTS PROVIDE THE ONLY RECOGNIZED AGENCY FOR APPOINTMENT OF INDEPENDENT EXPERTS TO SURVEY DAMAGES. THE RESULTANT DAMAGE SURVEYS ARE USUALLY RECOGNIZED BY BOTH PARTIES IN A CLAIM ACTION WHETHER THE SUBJECT OF SUIT OR SETTLED OUT OF COURT.

4. CLAUSE MENTIONED IN THIRD PARA MFA TEXT QUOTED ABOVE REFERS TO LANGUAGE SPECIFYING RELEASE NOT EFFECTIVE UNTIL FULL PAYMENT RECIVED. SUBSTANCE OF KIRBY-SPAIN PHONE CONVERSATION MAY 10, 1974, TO EFFECT THAT USG ACCEPTED ADDITION OF CLAUSE IF GOT COULD ACCEPT PARTIAL PAYMENT NOW, PASSED TO MFA.

5. EMBASSY HOPES WASHINGTON CAN FIND WAY TO MAKE EARLY PAYMENT OF AMOUNT ALREADY APPROVED WHILE PROCESSING ADDITIONAL CLAIM FOR SURVEY COSTS. PTT AND GOT REGARD SURVEY COST AS PROPER ITEM FOR REIMBURSEMENT. WE WOULD NOT WISH TO SEE POTENTIAL BENEFIS TO U.S., IN TERMS FUTURE FLEET VISITS, WHICH COULD BE GENERATED BY PROMPT 100 PERCENT SETTLEMENT, VITIATED BY DELAYS IN PROCESSING THE RELATIVELY SMALL AMOUNT CLAIMED FOR SURVEY COSTS.

6. MAY 13, 1974, REVALUATION TURKISH LIRA TO RATE 13.50 TO DOLLAR VICE 14.00 WILL HAVE TO BE TAKEN INTO ACCOUNT IN COMPUTING COST TO USG OF SETTLEMENT.
SPAIN

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